

EURONEWS

Bulletin of the European Federation of Journalists
November 2006

[European Federation of Journalists](#)

•EFJ News.....	p. 1
•Authors' Rights.....	p. 3
•Media Concentration	p. 4
•Broadcasting News.....	p. 4
•European Policy Briefing.....	p. 4
•Publications/Meetings.....	p. 6

EFJ NEWS

Green Paper on Labour Law on the Agenda of Steering Committee in Helsinki

MATTI Salmenperä, Director, Ministry of Labour and representative of the Finnish Presidency addressed the EFJ Steering Committee at their meeting on 27-28 October in Helsinki. The theme was the leaked European Commission Green Paper on Labour Law. It was not officially published yet, since it had been blocked by the employers, who believe it would give a negative picture of flexible forms of work. Salmenperä said the Green Paper in its current version was biased towards a business 'flexible' approach. He appreciated the EFJ's comments about the need of a public debate on how to secure all workers' rights including those of the increasing number of freelancers and 'economically dependent workers'.

In a letter to the Finnish Presidency, the EFJ asked for the immediate publication of the Green Paper in order to start a long overdue debate about the need to adapt labour law to new work forms and guarantee some minimum standards for workers.

See also ETUC statement on this subject: <http://www.etuc.org/a/2924>

Leaked Green Paper:

http://www.euractiv.com/31/images/Green_paper_Labour_Law_Draft_25-09-2006_tcm31-158454.pdf

The Steering Committee agreed at the meeting to focus on the upcoming Green Paper in the coming months and to discuss issues of labour law and social dialogue in the media at the next general meeting to take place in Zagreb, Croatia, on April 13-15, 2007. A special session shall be devoted to the future of (digital) media.

The Steering Committee also had a policy discussion about "citizen journalism", a recent phenomenon which may have implications on quality, ethics and media freedom. The EFJ will draft a policy paper for further discussion.

IFJ Called for Anna Politkovskaya Murderer Investigation and Supports Journalists in Russia

ON October 17, the IFJ called on the European Union to put the crisis of press freedom in Russia and the need for urgent action regarding the killing of leading journalist Anna Politkovskaya high on the agenda for the summit meeting with Russian leaders in Lahti, Finland. The meeting called for action to counter impunity. The IFJ also called for a detailed and credible investigation into the killing of Anatoly Voronin, the business manager and deputy director of Russian news agency Itar-Tass.

<http://www.ifj.org/default.asp?Index=4280&Language=EN>

Authors' Rights and Protection of Sources at Stake in Portugal

THE *Sindicato dos Jornalistas*, the EFJ affiliate in Portugal, has expressed grave concerns about current discussions at the Portuguese Parliament on a paper regarding the new status of journalists. The Portuguese government has suggested some devastating changes to journalists' status and their rights: The right of publishers to change journalists' work without their permission; the right of the courts to force journalists to reveal their sources and hard penalties for the journalists that don't do "their duty". The *Sindicato dos Jornalistas* circulated a petition against the changes and discussed these issues at the Parliament. The EFJ drafted a letter and sent it to all members of the Portuguese Parliament.

High Court in Britain loosens strict libel law

GREAT BRITAIN's highest court ruled for the first time that journalists have the right to publish allegations about public figures, as long as their reporting is responsible and in the public interest. The ruling is a huge shift in British law and significantly improves journalists' chances of winning libel cases in a court system that until now has been stacked against them.

http://www.nytimes.com/2006/10/12/world/europe/12britain.html?_r=1&ref=media&oref=slogin

EFJ Welcomes European Court Judgement in Austrian Newspaper Case

THE EFJ called upon Austrian legislators to review their libel laws after a decision by the European Court of Human Rights overturned defamation judgements against the Austrian newspaper *Der Standard*.

The European Court's decision said that the Austrian courts' findings violated Article 10 of the European Convention on Human Rights, which protects freedom of expression.

<http://www.ifj.org/default.asp?Index=4351&Language=EN>

EFJ Says Journalists' Arrests in Northern Cyprus Undermine Turkey's Plan to Increase Press Freedom

THE EFJ condemned the arrest of two French TV journalists in Northern Cyprus, saying the arrests overshadowed plans by the Turkish authorities to reform press freedom laws. While Turkish Prime Minister Recep Erdogan announced that he was prepared to amend laws limiting free speech (see below), the same day in Northern Cyprus the Turkish army arrested two French journalists for allegedly violating the military restricted area by filming in the city of Varosha.

<http://www.ifj-europe.org/default.asp?Index=4354&Language=EN>

Turkey may amend law on free speech

TURKISH Prime Minister Recep Erdogan signalled that he was prepared to amend a law limiting free speech to prevent a crisis with the European Union. The surprise move by Erdogan came just three days before the European Commission is expected to publish a report criticising Turkey for sluggishness on reforms necessary if it wants to join the EU.

The Commission monitoring Turkey's progress has been particularly concerned by article 301 of the Turkish penal code, which makes insulting "Turkishness" a crime.

<http://www.iht.com/articles/2006/11/05/news/turkey.php>

EU Actors: How to get Media Visibility?

A CONFERENCE entitled "EU Actors: How to get Media Visibility?" was organized by the online information portal EurActiv in cooperation with the EFJ on October 24th in Brussels, to discuss the importance of sources for journalists. A questionnaire had been circulated to Brussels-based journalists, which included issues regarding the importance of investigative journalism, protection of sources and transparency. Aidan White (IFJ/EFJ)

promoted the [code of conduct](#) for media and journalists in Brussels. According to the survey, journalists themselves regard in-depth reporting and credibility as high priorities. The Commission will organize a stakeholder forum on the media as a follow-up to the White Paper on Communication in November or December in Helsinki.

<http://www.euractiv.com/en/governance/media-survey-stirs-debate-perception-eu-actors/article-159070>

Strike Alerts in Great Britain

Staff at the *Telegraphs* are balloting on industrial action in the face of savage job cuts at its sub-free "hub" in Victoria. The *Guardian's* journalists are also planning a strike to support equality for journalists at the online operation and to protest this year's pay offer. www.londonfreelance.org

Changes in EFJ Secretariat

Authors' Rights legal expert Céline Simonin will replace Authors' Rights Officer Pamela Moriniere during her one year training leave in Australia.

Contact: celine.simonin@ifj.org

AUTHORS' RIGHTS

Google is sued again

On October 10th the collecting society for journalists in Belgium (SAJ-JAM) announced officially that they joined the SCAM (French Collecting Society for Multimedia Authors) and Assucopie (the Belgian Collecting Society of Academic Authors) to sue Google for using the journalists' articles without permission. Legal procedures are still ongoing but both sides are hoping for an agreement before they go to court.

Freelances fight for their authors' rights in London Free Newspapers

The National Union of Journalist (NUJ) is advising its UK members not to sign contracts with the News International Free Newspapers Limited (NIFNL) that call on freelances to give away their authors' rights. With this agreement, NIFNL would be able to recycle the articles from the afternoon edition to the nationals the following morning without extra money for journalists. Most of the NUJ members have rejected the NIFNL agreement.

Texts don't grow on trees

The European Writers' Congress (EWC) started this autumn a campaign promoting authors' rights. *Texts don't grow on trees* aims to raise public awareness on the necessity of providing creators with acknowledgement and respect, fair use of their works and equitable economic remuneration. The campaign is supported by many European professional authors' organizations and collecting societies.

http://www.european-writers-congress.org/ewc_site/web/page_single.asp?ref=383&categoria=5&sottocategoria=30

Consultation and Public Hearing on Content Online in the Single Market

The European Commission organised a public hearing on Content Online in the Single Market on October 11th 2006. Stakeholders had until October 13th to submit their answers to the European Commission's questionnaire on the issue. During the hearing, the European Newspaper Publishers' Association called on the EU to consider introducing the Anglo-Saxon copyright system, which would ease the transfer of rights from journalists to publishers. The EFJ immediately intervened in the debate and explained why such a system would harm journalism.

EFJ's answer to the consultation:

http://www.ec.europa.eu/comm/avpolicy/docs/other_actions/contributions/efj_col_en.pdf

Copyright Levy Reform

Contradictory rumours started to circulate on the web concerning the outcome of the European's Commission work on copyright levy reform. Some claimed the draft recommendation is pro-IT industry, others said the text is likely to be welcomed by right holders and creators.

According to an EU official, the recommendation is not finalised yet as it is still the subject of intense negotiation between the different services of the Commission.

http://www.ec.europa.eu/internal_market/copyright/levy_reform/index_en.htm

Infosoc Directive Review

The Infosoc Directive Review undertaken by Professor Hugenholtz is due to be delivered to the European Commission in January 2007. No step is expected to be taken by the Commission before September 2007.

MEDIA CONCENTRATION

"Etats Généraux" for Media against Corporate and Political power in France

Over 150 associations, trade unions and civil society groups took part to "Etats Généraux des médias" in Saint-Denis, France, on 30 September 2006. They concluded that French authorities do not defend pluralism, independence and open access in media strongly enough. They called for action against media ownership and commercialization of content, for a strong defense of public service in audiovisual media, for support to community media, for the enforcement of authors' rights and for the defense of fundamental rights such as protection of sources.

<http://www.ifj-europe.org/default.asp?Index=4278&Language=FR>

Mediaset Shows Appetite for European Media Market

On 7 November Berlusconi's media company Mediaset proposed to buy the German broadcaster ProSiebenSat.1 for an estimated bid of €7 billions. For the time being ProSiebenSat.1 is controlled by the US broadcasting investment group of Mr Haïm Saban. Last year, the offer of the German media group Springer was refused by the national competition authority. This time, however, the offer is made by a foreign group. Some sources also think that Spanish broadcaster Antenna 3 and US channel NBC will make an offer.

The offer of Mediaset has to be considered in the current context of reforms of Italian media laws following which on Mediaset has to sell a domestic channel and cannot exceed 45% of the advertising market. The current strategy of the group is to expand at European level.

BROADCASTING NEWS

Ministers of the Council of Europe adopt Declaration on the Independence of PSB

(Adopted by the Committee of Ministers on 27 September 2006 at the 974th meeting of the Ministers' Deputies)

<https://wcd.coe.int/ViewDoc.jsp?Ref=Decl-27.09.2006&Sector=secCM&Language=lanEnglish&Ver=original&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>

New Draft TV Law in Italy to Propose Privatization for More Competition

On 12 October, the Italian cabinet approved a draft law which is aimed at increasing competition in a television market, currently dominated by Berlusconi's Mediaset and the state-owned RAI channels. The draft bill proposed that each of these two entities should

move one existing terrestrial channel into digital TV in order to give space to new operators. It also proposes that a single company would not be allowed to control more than 45 percent of the television advertising market.

EU asks Greece to Change Anti-competitive Broadcasting Laws

The European Commission sent a 'reasoned opinion' to Greece, asking it to modify the laws that regulate broadcasting services in accordance with EU competition rules. In April 2005 the European Court of Justice decided that Greece had failed to transpose EU measures into domestic legislation. According to the Commission, all EU member states except Greece have implemented the EU regulations.

<http://www.forbes.com/markets/feeds/afx/2006/10/16/afx3092783.html>

Strike in Northern Greece

The EFJ backed the Journalists' Union of Macedonia and Thrace Daily Newspapers (ESIEMTH) in their battle for secure positions for dozens of journalists who were hired in precarious conditions in Greek Public Broadcasting (ERT). A strike took place on 1 November and another one is expected soon. The union is asking management to convert short-term false work contracts into permanent employment conditions and to avoid creating new precarious conditions in the future.

<http://www.ifj-europe.org/default.asp?Index=4339&Language=EN>

France: Strike at Public Channel France 3 and Radio France International

A 59-minute strike on October 16th at the Public Channel France 3 forced the station to cancel some of its morning shows. EFJ affiliates CFDT and the SNJ decided to go on strike to demand increases in salaries. Another series of strikes was also carried-out at Radio France Internationale at the end of October and in early November to protest against a restructuring plan imposed by management.

Finnish Broadcasting Board Chairman neglects TV fee

After the Swedish Minister of Culture (See last edition of Euronews), the chairman of the board of the Finnish Broadcasting Company YLE, Hannu Olkinuora, also admitted that he had "neglected to pay his television fee" for over a year. YLE gets most of its revenue from the mandatory fees paid by owners of television sets.

<http://www.hs.fi/english/article/Broadcasting+board+chairman+neglects+TV+fee+for+over+a+year/1135222803145>

EUROPEAN POLICY BRIEFING

COUNCIL OF MINISTERS (FINNISH PRESIDENCY)

The EU Ministers responsible for labour and social affairs did not reach agreement on the Working Time Directive in their meeting in Brussels on 7 November. Questions relating to doctors' working time are the most pressing issues to be addressed in the new directive. The so-called opt-out issue remained the biggest obstacle. The opt-out system allows the employer and an individual employee to agree that the maximum weekly working time of the directive will not be applied in the employment relationship. The upcoming German Presidency will not deal with the issue. This is a major setback for "Social Europe" according to the EFJ.

http://www.eu2006.fi/en_GB/

EUROPEAN COMMISSION

Dialogue between Commission and Publishers

How will the print media evolve in times of increasing Internet use, enhanced cross-media competition, the emergence of "publications for free", an apparent reduction of interest of

the younger generation in newspapers and magazines? These topics as well as rules distinguishing editorial content from advertising features and how they relate to developments in product placement within the audio visual media and copyright issues were on the agenda of this meeting in Brussels between Media Commissioner Viviane Reding and the editors-in-chief of major European newspapers.

http://europa.eu.int/information_society/media_taskforce/index_en.htm

ALTER-EU Assembly Decides to Reinforce Campaign on Lobbying Transparency

Around 20 campaigners from a broad range of civil society groups attended the ALTER-EU assembly in Brussels (October 16-17 2006). The EFJ has agreed to play a major role in the coalition. ALTER-EU will focus primarily on campaigning for a mandatory EU lobbying disclosure system, while preparing more ambitious activities in the first half of 2007 to challenge the Commission's practice of granting privileged access to big business lobbying groups. After the Commission's decision on the final format of the European Transparency Initiative, including the EU lobbyists' register, a new phase will start for ALTER-EU where the work on lobbying transparency issues will be about critical scrutiny and campaigning for improvements.

<http://www.alter-EU.org>

EUROPEAN PARLIAMENT

The EP adopted a resolution on EU-Russia relations after the murder of the Russian journalist **Anna Politkovskaya**, in which it calls on the Russian authorities to fight actively against intimidation of independent journalism and human rights activists. It further calls on the Commission and the EU Member States to take a principled and consequent stand in the negotiations on a new partnership and cooperation agreement with the Russian Federation. It urges the Council to place democracy, human rights and freedom of expression at the core of any future agreement.

<http://www.europarl.europa.eu/omk/sipade3?TYPE-DOC=MOTION&REF=P6-RC-2006-0531&MODE=SIP&L=EN>

The Parliament adopted a resolution on **posting of workers** on 26 October in Strasbourg. It focuses on different implementations of certain key concepts, such as posted worker, minimum salaries and subcontracting. It calls on the Commission to initiate negotiations with the Member States as a matter of urgency, with the aim of establishing transparent and consistent criteria for determining the status of "workers" and self-employed persons in employment law. This will be followed up by the EFJ Freelance Expert Group.

[HTTP://WWW.EUROPARL.EUROPA.EU/SIDES/GETDOC.DO?TYPE=TA&REFERENCE=P6-TA-2006-0463&LANGUAGE=EN](http://www.europarl.europa.eu/sides/getdoc.do?type=TA&reference=P6-TA-2006-0463&language=EN)

The Culture Committee of the EP will adopt the **Television without Frontiers Report** by Ruth Hieronymi on November 13. (*There will be a special report on the "Audiovisual Media Services Directive" in the next edition*).

In its plenary session of 24 October, the European Parliament adopted in second reading the **MEDIA 2007 Programme**. This programme in support of the European audiovisual sector will start in 2007 and run until 2013.

<http://register.consilium.europa.eu/pdf/en/06/st06/st06233.en06.pdf>

The European Parliament approved on 26 October the **European Fund for Journalists**. This fund will fund projects where journalists work together and publish their works at a European level. This idea of a European Fund for Journalists comes from the Belgium Pascal Decroos Fund. This fund is prepared, together with some other national

organisations of journalists, to select independently these European journalistic projects. Once established, it is aimed at supporting between 100 and 150 projects per year.

Rome II and Defamation still on the agenda

On 17 October, the Alliance of Liberals and Democrats for Europe (ALDE) organized a seminar at the European Parliament on: "The right to be left alone v. freedom of speech." It dealt with Rome II, focusing on the relationship between EU Private international Law and the media, the country of origin principle, the issue of applicable law to the violation of personality rights and the role of the EU in regulating the media. Diana Wallis, the rapporteur, expressed her disappointment that violation of privacy/rights relating to the personality has been excluded from the scope of Rome II by the Council and the Commission. Given these new circumstances the EFJ and other media organisations support the exclusion of violation of privacy/rights relating to the personality from the scope of ROME II as no other acceptable solution has been found in the Council that would guarantee press freedom.

Services Directive: Internal Market Committee backs Council and Trade Unions Protest

All the second-reading amendments to the draft services directive, including those tabled or supported by Evelyne Gebhardt (PES, DE), author of the Internal Market Committee's report, were rejected by the Internal Market Committee.

The European Trade Union Confederation (ETUC) was critical of this vote rejecting amendments for clearer exclusion of labour law and social services and clearer respect for fundamental rights. It called EU institutions to find the way to improve the Directive regarding these issues of major importance for trade unions.

The final chapter of the story will be written when Parliament votes on the draft directive, together with the Commission declaration, at the Strasbourg plenary session in November.

EUROPEAN COURT OF JUSTICE (EJC)

The European Court of Justice on 3 October rejected the claim by journalist **Hans Martin Tillack** of *Stern* magazine that his reputation had been damaged by allegations from OLAF (European Anti)-Fraud Office). The allegations concerned the statement by OLAF that the journalist may have obtained confidential documents from EU sources about possible maladministration at the EU institutions through bribery. The judgment is a setback for protection of sources.

<http://curia.europa.eu/en/actu/communiqués/cp06/aff/cp060083en.pdf>

COUNCIL OF EUROPE

The Steering Committee on the Media and New Communication Services (CDMC) transmitted in October its views on the alignment **of laws on defamation** with the relevant case-law of the European Court of Human Rights and on the issue of decriminalization of defamation. The CDMC points out that criminal sanctions for defamation are widely available in Council of Europe member states and stresses the necessity of promoting strict alignment of national laws on defamation or the application of such laws with the case law of the European Court of Human Rights.

The EFJ submitted amendments to the *Group of Specialists on Media Diversity's "Draft Declaration on the potential risks of media concentration to democracy"* covering the need for conflict of interest between media and political interests and the need for editorial statutes in media outlets.

PUBLICATIONS

Media Landscape Turkey: <http://www.ejc.nl/jr/emland/turkey.html>

EFJ CALENDAR:

November:

10: EFJ Broadcasting expert Group Meeting, Brussels

15-16: CoE Expert Seminar on Combating Racism while respecting Freedom of Expression, Strasbourg

18-19: IFJ Executive Committee Meeting, Brussels

23-24: European conference on the Role of the Media in the European Immigration societies, WDR, ZDF, France television, EBU, Essen

27: EFJ meeting between Chairs of Expert Groups and Steering Committee

December:

1-2: EFJ Seminar: Let's Organise, Vilnius

For more information, please contact:

Renate Schroeder and Marc Gruber – European Directors

Marc.gruber@ifj.org

Renate.schroeder@ifj.org

European Federation of Journalists

International Press Centre

Residence Palace

Bloc C, second floor

Rue de la Loi, 155

1040 Brussels

Tel: 32-2-235.22.15

Fax: 32-2-235.22.19

Website: www.ifj-europe.org